

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARSHITKUMAR PATEL,

Plaintiff,

v.

KELLY SERVICES, INC.,

Defendant.

CIVIL ACTION

NO. 22-2421

ORDER

AND NOW, this 21st day of February, 2023, upon consideration of Defendant's Motion to Dismiss the Amended Complaint, (ECF 16), Plaintiff's Response (ECF 19), Defendant's Reply, (ECF 20), and after hearing oral argument on the Motion, (ECF 28), it is hereby **ORDERED** that the Motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. The Motion to Dismiss is **GRANTED** as to Patel's negligent misrepresentation claim and **DENIED** as to Patel's fraudulent misrepresentation claim;
2. The Motion is **DENIED** as to Count II; and
3. The Motion is **GRANTED** as to Counts III and IV.

To the extent that Patel can correct any of the deficiencies noted in the Court's memorandum, he may amend his complaint on or before **March 8, 2023**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.